

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRANT A. GREEN,

Petitioner,

v.

Civ. No. 21-775 RB/GBW

RICARDO MARTINEZ,

Respondent.

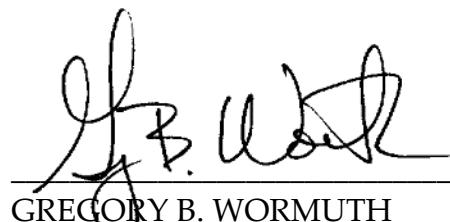
ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Petitioner Brant Green filed this habeas corpus proceeding under 28 U.S.C. § 2241 on August 18, 2021. *Doc. 1*. Petitioner did not pay the \$5 filing fee or submit an application to proceed without prepayment of fees or costs pursuant to 28 U.S.C. § 1915. On January 18, 2022, the Court ordered Petitioner to cure this deficiency within 30 days by either paying the \$5 filing fee or submitting an application to proceed *in forma pauperis*. *Doc. 19* (“Order to Cure Deficiency”). The Order advised Petitioner that if he failed to cure the deficiency within the 30-day time period, the Court could dismiss this proceeding without further notice. *Id.* at 1. The Court also directed the Clerk’s Office to mail to Petitioner a copy of its Order to Cure Deficiency and two copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions. *Id.* at 2. More than 30 days has

elapsed since entry of the Court's Order to Cure Deficiency and Petitioner has not paid the \$5 filing fee, submitted an application to proceed under § 1915, or otherwise responded to the Court's Order (*doc. 19*).

Pursuant to 28 U.S.C. §§ 1914(a) and 1915(a), the Court is required collect the filing fee from the Petitioner or authorize Petitioner to proceed without prepayment of the fee. Petitioner has failed to either pay the \$5 filing fee or submit an application to proceed under § 1915. Therefore, the Court will order Petitioner to show cause within thirty (30) days of the date of entry of this Order why this proceeding should not be dismissed for failure to comply with the requirements of 28 U.S.C. §§ 1914 and 1915 and with the Court's Order to Cure Deficiency (*doc. 19*). If Petitioner does not show cause within thirty (30) days, the Court may dismiss this case without further notice.

IT IS ORDERED that Petitioner show cause **within thirty (30) days of entry of this Order** why Petitioner's Complaint should not be dismissed for failure to comply with 28 U.S.C. §§ 1914 and 1915 and with the Court's Order to Cure Deficiency.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE